

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

IN RE CHARGE OF)	
ALICIA K. WALSH)	
)	
UNITED STATES OF AMERICA,)	
)	
Complainants)	8 U.S.C. 1324b PROCEEDING
)	
v.)	OCAHO Case No. 96B00097
)	
SEARS, ROEBUCK AND CO.,)	
Respondent.)	
_____)	

**DECISION AND ORDER BASED ON CONSENT FINDINGS
AND SETTLEMENT AGREEMENT AND GENERAL RELEASE**

Pursuant to 28 C.F.R. 68.14(a)(1), the parties to this action have jointly moved this Court to enter a decision and order based on the Consent Findings and Settlement Agreement and General Release executed by the parties, and attached hereto.

On September 3, 1996, this action was initiated by the United States, by and through the Office of Special Counsel for Immigration Related Unfair Employment Practices ("Office of Special Counsel"), based on a charge of discrimination filed by the Charging Party, Ms. Alicia K. Walsh, and an alleged pattern or practice of documentation abuse by Respondent.

Specifically, the Complaint alleged that on or about January 24, 1996, Ms. Walsh, a U.S. citizen, submitted her genuine U.S. passport to Respondent in order to complete Section 2 of the INS Form I-9. However, Respondent refused to accept it as proof of Ms. Walsh's identity and

work authorization and insisted on seeing at least one additional document. The Complaint also alleged that beginning in at least 1989 and continuing to present, Respondent's practice has been to require all applicants to produce at least two documents for purposes of completing INS Form I-9 employment eligibility verification. The Complaint also alleged that beginning in at least 1989 and continuing to present, Respondent's practice has been to require all non-U.S. citizens to verify their employment eligibility by presenting a document issued by the INS.

On October 3, 1996, Respondent filed an Answer to the Complaint, denying the substance of the allegations in the Complaint.

As expressed in their Joint Motion, the Memorandum in Support thereof, and the Consent Findings and Settlement Agreement and General Release, the parties have now resolved their dispute. Hence, pursuant to 28 C.F.R. 68.14(a)(1), the parties urge this Court to enter a decision and order based on and incorporating the terms of their Consent Findings and Settlement Agreement and General Release.

The Court has reviewed the Motion, the Memorandum in Support, and the Consent Findings and Settlement Agreement and General Release, and finds that the settlement entered into among the parties fairly and equitably resolves their dispute, without the necessity of resorting to costly and protracted litigation. Consequently, this Court finds the settlement to be in the public interest, and hereby adopts and incorporates the terms of the Consent Findings and Settlement Agreement and General Release in this Decision and Order.

WHEREFORE, the Court hereby dismisses the Complaint against Respondent in accordance with the Consent Findings and Settlement Agreement and General Release executed by the parties.

SO ORDERED THIS 19th DAY OF February OF 1997.

Joseph E. McGuire
Administrative Law Judge

